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UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

Bankruptcy Case No. 19-30088 (DM)

PG&E CORPORATION,

Chapter 11

- and -

(Lead Case) (Jointly Administered)

PACIFIC GAS AND ELECTRIC COMPANY,

**LORD ABBETT CLAIMANTS'
JOINDER IN OPPOSITION TO
REORGANIZED DEBTORS' FIFTH
EXTENSION MOTION**

Debtors

- Affects PG&E Corporation
- Affects Pacific Gas and Electric Company
- Affects both Debtors

* All papers shall be filed in the Lead Case No. 19-30088 (DM).

Hearing Information:

Date: November 30, 2022

Time: 11:00 a.m. (Pacific Time)

Place: (Zoom)
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

Related Docket No.: 13122

1 The Lord Abbott Claimants¹ by and through undersigned counsel, hereby submit this Joinder
2 in opposition to the Fifth Extension Motion and join in the Oppositions to the Fifth Extension Motion
3 filed by California State Teachers Retirement System (“**CalSTRS**”) [Dkt. No. 13198] (the
4 **“CalSTRS Opposition”**) and the Kingstown Claimants [Dkt. Nos. 13163-13164] (the **“Kingstown**
5 **Opposition”**), as well as the numerous other Oppositions filed by Securities Claimants (hereinafter
6 defined) [Dkt. Nos. 13165-13197, 13199-13230].

7 The Lord Abbott Claimants are among the hundreds of claimants who timely filed proofs of
8 claims asserting Securities Claims against the Reorganized Debtors (“**Securities Claimants**”). On
9 August 4, 2021, more than fourteen months ago, the Lord Abbott Claimants resubmitted transactional
10 data supporting their Securities Claims to the claims administrator in accordance with the Order
11 Approving Securities ADR and Related Procedures for Resolving Subordinated Securities Claims
12 (the **“ADR Procedures Order”**) [Dkt. No. 10015].² To date, however, the Lord Abbott Claimants
13 have received no settlement offers, requests for mediation, or other communications from the
14 Reorganized Debtors with respect to the Lord Abbott Claimants’ Securities Claims.

15 The Reorganized Debtors’ recent Fifth Extension Motion reveals why the Reorganized
16 Debtors have failed to pursue settlement of the Lord Abbott Claimants’ Securities Claims as required
17 under the ADR Procedures Order. Earlier this year, the Reorganized Debtors unilaterally paused
18 pursuit of settlements or mediation of Securities Claims—without notice to the Court or the
19 Securities Claimants—in order to pursue a “global resolution” of the Securities Claims. The Lord
20 Abbott Claimants have not been included in any discussions regarding a “global resolution” of the
21 Securities Claims; nor were any of the Securities Claimants represented by undersigned counsel. It
22 is unclear that *any* Securities Claimants have been informed of, let alone involved in, the “global”

23
24
25 ¹ The Lord Abbott Claimants are the claimants advised by Lord, Abbott & Co. LLC that submitted
26 Securities Claims (as defined in the Reorganized Debtors’ Fifth Extension Motion [Dkt. No.
13122] (the **“Fifth Extension Motion”**)) in Claims Nos. 99436 and 99838.

27 ² The transactional data had also been submitted with the Lord Abbott Claimants’ initial claims
28 filing.

1 settlement negotiations and mediation referenced in the Fifth Extension Motion. (See Kingstown
2 Opp., 12:8-15.) Instead, it appears that the Reorganized Debtors focused their “global resolution”
3 efforts on negotiations and mediation with Public Employee Retirement Association of New Mexico
4 (“**PERA**”), the lead plaintiff in the stayed consolidated class action litigation in the United States
5 District Court for the Northern District of California captioned *In re PG&E Corporation Securities*
6 *Litigation*, No. 5:18-cv-03509-EJD (the “**Class Action**”). To the Lord Abbett Claimants’
7 knowledge, PERA does not purport to represent the interests of the Securities Claimants in
8 negotiations with the Reorganized Debtors, and it is unclear whether and to what extent any “global
9 resolution” is intended to benefit the Securities Claimants.

10 Now, the Reorganized Debtors ask this Court to write them a 270-day blank check that will
11 allow them to pursue this previously undisclosed “global resolution,” while ignoring the process
12 approved by the Court in the ADR Procedures Order and keeping the Securities Claimants in the
13 dark. The Reorganized Debtors’ proposed order lacks any interim deadlines within the 270-day
14 extension period to ensure that the additional time is used productively to resolve the pending
15 Securities Claims. Given the Reorganized Debtors’ failure to date to make meaningful progress
16 toward settling or mediating the hundreds of unresolved Securities Claims, the Lord Abbett
17 Claimants object to another lengthy and unfettered extension.

18 If the Court is inclined to grant any extension, the Reorganized Debtors should be required
19 to negotiate transparently with the Securities Claimants—whether independently or in coordination
20 with the apparently ongoing settlement discussions and mediation in the Class Action. Although the
21 Lord Abbett Claimants submitted individual Securities Claims, they are not necessarily opposed to
22 a global resolution of the securities claims against the Reorganized Debtors. However, the
23 Reorganized Debtors’ lack of transparency regarding the structure, scope, and magnitude of any
24 proposed global settlement prevents the Lord Abbett Claimants from meaningfully evaluating such
25 a resolution.

26 At a minimum, the Reorganized Debtors should be required to disclose to the Court and the
27 Securities Claimants: (a) the parties and counsel involved in the settlement negotiations and their
28 respective authority to negotiate on behalf of the various constituents; (b) the progress made to date

1 (and during the extended period) towards any “global resolution”; (c) the impact of any proposed
2 “global resolution” on the assets of the Reorganized Debtors’ estates, including the availability of
3 insurance proceeds to pay Securities Claims; (d) the timetable for recovery on Securities Claims
4 under a “global resolution” and for Securities Claimants who elect to opt-out of such resolution; and
5 (e) the deadline for the full and final resolution of all of the outstanding Securities Claims.

6 On November 8, 2022, CalSTRS filed the CalSTRS Opposition and the Kingstown Claimants
7 filed the Kingstown Opposition, in which numerous Securities Claimants have joined. The Lord
8 Abbott Claimants hereby join in the CalSTRS Opposition and join, in part, the Kingstown Opposition
9 to object to the Reorganized Debtors’ requested 270-day extension of the claims objection deadline,
10 and hereby support, adopt and incorporate by reference the arguments made in the CalSTRS
11 Opposition and the Kingstown Opposition, as well as those set forth in other substantive oppositions
12 filed, to the extent consistent herewith. As set forth in the CalSTRS Opposition, the Kingstown
13 Opposition, and other substantive oppositions filed to date, the Reorganized Debtors have failed to
14 show cause for the Fifth Extension. Unless and until the Reorganized Debtors can demonstrate good
15 cause for any extension the Court should deny the Fifth Extension as to the Securities Claims.

16 **RESERVATION OF RIGHTS**

17 The Lord Abbott Claimants reserve all of their respective rights, claims, defenses and
18 remedies, including without limitation, the right to amend, modify, or supplement this Joinder and
19 Opposition in accordance with the applicable rules.

20 DATED: November 10, 2022

21 PROCOPIO, CORY, HARGREAVES &
22 SAVITCH LLP

23 By: /s/ Gerald P. Kennedy

24 Gerald P. Kennedy
25 Attorneys for the Lord Abbott Claimants

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Bankruptcy Court for the Northern District of California by using CM/ECF system on November 10, 2022. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on November 10, 2022.

/s/ Gerald P. Kennedy
Gerald P. Kennedy